

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**MELVIN ALEXANDER DIAZ**

**PLAINTIFF**

**VS.**

**CIVIL ACTION N. 3:18-CV-839-HTW-LRA**

**UNIT MANAGER A. SMITH,  
UNIT MANAGER C. CURRY and  
SIS TECH – C. CLARK**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

BEFORE THIS COURT is the Report and Recommendation of the United States Magistrate Judge Linda R. Anderson [Docket no. 29], which was entered on July 13, 2020. Plaintiff did not file any objection to the Magistrate Judge's Report and Recommendation. A copy of the Report and Recommendation was mailed to Plaintiff at the last address he provided to the Clerk of Court. That mail was returned as undeliverable on August 10, 2020 [doc. no. 30]. Diaz was released from custody in June 2019, Report and Recommendation [doc. no. 29 at p.1], and has failed to provide this court with a current address. Report and Recommendation [doc. no. 29 at fn. 3].

After examining the record evidence in this case, the Magistrate Judge recommended that the Defendants' Motion to Dismiss [doc. no. 27] should be granted and the Complaint should be dismissed for failure to exhaust administrative remedies.

This Court has reviewed the Report and Recommendation of the Magistrate Judge, as well as the court filings and the relevant law, and concludes that the findings in the Report and Recommendation [doc. no. 29] should be and are hereby **adopted** as this Court's own. This

court grants Defendants' Motion to Dismiss [doc. no. 9]. Accordingly, this court dismisses this Complaint. A separate Final Judgment will issue on this date.

SO ORDERED AND ADJUDGED, this the 24<sup>th</sup> day of August, 2020.

s/ HENRY T. WINGATE  
UNITED STATES DISTRICT JUDGE